

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 663**

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**Introduced by Assembly Member Jones**  
**(Coauthors: Assembly Members Blumenfield, Coto, Mendoza, John**  
**A. Perez, and Portantino)**  
**(Coauthors: Senators DeSaulnier and Oropeza)**

February 25, 2009

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An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, to add Section 367.6 to the Code of Civil Procedure, to add Sections 756 and 756.5 to the Evidence Code, and to amend, repeal, and add Section 68563 of the Government Code, relating to legal services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Jones. Legal aid: court interpreters: appearances by telephone.

(1) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.

This bill would prohibit a person or organization that is not a specified type of legal aid organization, as defined, from using the term “legal

aid,” or any confusingly similar name in any firm name, trade name, fictitious business name, or other designation, or on any advertisement, letterhead, business card, or sign. The bill would subject a person or organization that violates this prohibition to specified civil liability.

(2) Existing law provides that, in all general civil cases, as defined, a party who has provided notice may appear by telephone at certain conferences, hearings, and proceedings, except as specified.

This bill would require the Judicial Council, on or before July 1, 2010, and periodically as appropriate, to enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases under the provisions described above, or as otherwise permitted by law. The bill would impose requirements regarding those master agreements, including that the vendor charge a party for an appearance by telephone in an amount set by the Judicial Council, and that the vendor pay to the state \$15 for each appearance by telephone and a proportionate share of an amount equal to the total revenue received from vendors by all courts for providing telephone appearances for the 2007–08 fiscal year. The bill would require those funds to be deposited in the Trial Court Trust Fund and used for specified purposes.

(3) Existing law requires that, when a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter be sworn to interpret for him or her.

This bill would require the Judicial Council, by September 1, 2010, to establish a working group to review, identify, and develop best practices to provide interpreters in civil actions and proceedings, as specified. The bill would require the Judicial Council to select up to 5 courts to participate in a pilot project, to commence on July 1, 2011, to provide interpreters in civil proceedings. The bill would provide that the initial pilot courts shall participate until June 30, 2014, and would require the Judicial Council to consider whether a pilot court shall continue participating in the project and whether to select another court or additional courts. The pilot project would be funded from the revenue derived from the telephonic appearance fee described above.

(4) Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and to report its findings and recommendations to the Governor and to the Legislature every 5 years. Existing law requires

that this study serve as the basis for determining the need to establish interpreter programs and certification and establishing these programs and examinations through the normal budgetary process.

This bill would require, in addition, as of January 1, 2011, that the study described above serve as the basis of determining the need for and use of interpreters in civil and criminal court proceedings. The bill would require trial courts to collect and report the use of interpreters in all criminal and civil proceedings in the manner specified by the Judicial Council.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature hereby finds and declares all of  
2     the following:

3     (a) California is emblematic of the American dream, a place of  
4     stunning natural beauty, a seat of international commerce, and a  
5     land of unparalleled opportunity. As a result, California is the most  
6     populous and demographically diverse state in the nation, a meeting  
7     place of cultures, ethnicities, and ideas unlike any other in the  
8     world. Of the state's 34 million people, about 26 percent (roughly  
9     8.8 million people) are foreign born. Californians speak more than  
10    220 languages, and 40 percent of the state's population speaks a  
11    language other than English in the home. This extraordinary  
12    diversity is among the state's greatest assets and has helped make  
13    California an international leader in business, the arts,  
14    entertainment, engineering, medicine, and other fields. The state's  
15    diversity also poses unique challenges for the delivery of  
16    government services, particularly for the courts.

17    (b) For Californians not proficient in English, the prospect of  
18    navigating the legal system is daunting, especially for the growing  
19    number of parties who do not have access to legal services and  
20    therefore have no choice but to represent themselves in court,  
21    which is a virtually impossible task for people who are unable to  
22    understand the proceedings. Nearly seven million Californians  
23    cannot access the courts without significant language assistance,  
24    cannot understand pleadings, forms, or other legal documents,  
25    cannot communicate with clerks or court staff, and cannot  
26    understand or participate meaningfully in court proceedings, much

1 less effectively present their cases without a qualified interpreter.  
2 People with limited English proficiency are also often members  
3 of groups whose cultural traits or economic circumstances make  
4 them more likely to be subjected to legal problems, in part because  
5 perpetrators recognize their victims' limited ability to access  
6 judicial protection. It is essential to provide English learners and  
7 other non-English-speaking litigants with interpreters in order to  
8 provide full and equal access to our justice system without regard  
9 to language.

10 (c) The Legislature has previously recognized that the number  
11 of persons with limited English proficiency in California is  
12 increasing and recognized the need to provide equal justice under  
13 the law to all California residents and the need to provide for their  
14 special needs in their relations with the judicial and administrative  
15 law systems. The Legislature has likewise recognized that the  
16 effective maintenance of a democratic society depends on the right  
17 and ability of its residents to communicate with their government  
18 and the right and ability of the government to communicate with  
19 them.

20 (d) Inadequate resources to assist litigants with limited English  
21 proficiency affect the court's ability to function properly, causing  
22 delays in proceedings for all court users, inappropriate defaults,  
23 and faulty interpretation that can ultimately subvert justice. Court  
24 interpreter services are a core court function. Our judicial system  
25 relies on the adversarial process in which neutral arbiters decide  
26 disputes based upon competing presentations of facts and law.  
27 Conducting court proceedings when one party is incapable of fully  
28 participating significantly impairs the quality and efficiency of the  
29 process and its results, including compliance with court orders.  
30 The courts have made significant efforts to assist litigants with  
31 limited English proficiency, including steps to increase the number  
32 of certified and registered interpreters and to provide interpreters  
33 in civil cases, if resources are available. Nevertheless, court  
34 proceedings are required to be conducted in English, and most  
35 crucial court forms and documents are available only in English,  
36 while the number of skilled interpreters has actually declined over  
37 the past decade and the number of persons requiring interpreter  
38 services has increased. As a result, a qualified interpreter is not  
39 provided in most civil proceedings.

1 (e) The inability to respond to the language needs of parties in  
2 court impairs trust and confidence in the judicial system and  
3 undermines efforts to secure justice for all. The authority of the  
4 courts depends on public perceptions of fairness and accessibility.  
5 Any significant erosion of public trust and confidence in the  
6 fairness of judicial outcomes threatens the future legitimacy of the  
7 legal system. By excluding a large segment of the population from  
8 participation in an institution that shapes and reflects our values,  
9 we threaten the integrity of the judicial process. Resentment  
10 fostered by the inability to access the benefits of the court system  
11 can ultimately impair enforcement of judicial decrees and attenuate  
12 the rule of law.

13 (f) Reliance on untrained interpreters, such as family members  
14 or children, can lead to faulty translations and threaten the court's  
15 ability to ensure justice. Court interpretation is extremely difficult  
16 and takes a rare combination of skills, experience, and training.  
17 Apart from the possibility of fraud, unqualified interpreters often  
18 fail to accurately and comprehensively convey questions and distort  
19 testimony by omitting or adding information, or by stylistically  
20 altering the tone and intent of the speaker, thereby preventing  
21 courts from hearing the testimony properly. These problems  
22 compromise the factfinding process and can result in genuine  
23 injustice.

24 (g) An overwhelming number of Californians believe that  
25 interpreters should be made available to assist non-English speakers  
26 in all court proceedings, and that interpreters should be provided  
27 free of charge to low-income non-English speakers.

28 (h) California law currently mandates appointment of an  
29 interpreter for all witnesses in civil cases, and for parties with  
30 hearing impairments. In addition, California statutes mandate the  
31 appointment of an interpreter in adjudicative proceedings before  
32 state agencies, boards, and commissions at no charge to the parties  
33 whenever a party or the party's witness does not proficiently speak  
34 or understand English. Other states, by contrast, provide both  
35 witnesses and parties with a right to a court-appointed interpreter  
36 in all civil matters at no cost to the party.

37 SEC. 2. The Legislature finds and declares that there continues  
38 to be a shortage in the availability of certified and registered  
39 interpreters in the state courts that *particular languages and various*  
40 *geographic regions of California. This shortage of qualified*

1 *interpreters* impacts the state's ability to provide meaningful access  
2 to justice for all court users. It is the intent of the Legislature that  
3 every effort be made to recruit and retain qualified interpreters to  
4 work in the state courts, and that the Judicial Council make further  
5 efforts to improve and expand court interpreter services and address  
6 the shortage of qualified court interpreters.

7 SEC. 3. Article 9.6 (commencing with Section 6159.5) is added  
8 to Chapter 4 of Division 3 of the Business and Professions Code,  
9 to read:

10  
11 Article 9.6. Legal Aid Organizations  
12

13 6159.5. The Legislature hereby finds and declares all of the  
14 following:

15 (a) Legal aid programs provide a valuable service to the public  
16 by providing free legal services to the poor.

17 (b) Private, for-profit organizations that have no lawyers have  
18 been using the name "legal aid" in order to obtain business from  
19 people who believe they are obtaining services from a nonprofit  
20 legal aid organization.

21 (c) Public opinion research has shown that the term "legal aid"  
22 is commonly understood by the public to mean free legal assistance  
23 for the poor.

24 (d) Members of the public seeking free legal assistance are often  
25 referred by telephone and other directory assistance information  
26 providers to for-profit organizations that charge a fee for their  
27 services, and there are a large number of listings in many telephone  
28 directories for "legal aid" that are not nonprofit but are actually  
29 for-profit organizations.

30 (e) The Los Angeles Superior Court has held that there is a  
31 common law trademark on the name "legal aid," which means  
32 legal services for the poor provided by a nonprofit organization.

33 (f) The public will be benefited if for-profit organizations are  
34 prohibited from using the term "legal aid," in order to avoid  
35 confusion.

36 6159.51. For purposes of this article, "legal aid organization"  
37 means a nonprofit organization that provides civil legal services  
38 for the poor without charge.

39 6159.52. It is unlawful for any person or organization to use  
40 the term "legal aid," "legal aide," or any confusingly similar name

1 in any firm name, trade name, fictitious business name, or any  
2 other designation, or on any advertisement, letterhead, business  
3 card, or sign, unless the person or organization is a legal aid  
4 organization subject to fair use principles for nominative,  
5 descriptive, or noncommercial use.

6 6159.53. (a) Any consumer injured by a violation of Section  
7 6159.52 may file a complaint and seek injunctive relief, restitution,  
8 and damages in the superior court of any county in which the  
9 defendant maintains an office, advertises, or is listed in a telephone  
10 directory.

11 (b) A person who violates Section 6159.52 shall be subject to  
12 an injunction against further violation of Section 6159.52 by any  
13 legal aid organization that maintains an office in any county in  
14 which the defendant maintains an office, advertises, or is listed in  
15 a telephone directory. In an action under this subdivision, it is not  
16 necessary to allege or prove actual damage to the plaintiff, and  
17 irreparable harm and interim harm to the plaintiff shall be  
18 presumed.

19 (c) Reasonable attorney's fees shall be awarded to the prevailing  
20 plaintiff in any action under this section.

21 SEC. 4. Section 367.6 is added to the Code of Civil Procedure,  
22 to read:

23 367.6. (a) On or before July 1, 2010, and periodically as  
24 appropriate, the Judicial Council shall enter into one or more master  
25 agreements with a vendor or vendors to provide for telephone  
26 appearances in civil cases under Section 367.5, or as otherwise  
27 permitted by law.

28 (b) Each master agreement shall include the following terms:

29 (1) The vendor shall charge a party for an appearance an amount  
30 set by the Judicial Council, which shall comply with the provisions  
31 of subdivision (c). The vendor shall report to the Judicial Council  
32 information regarding the number of liens asserted by the vendor  
33 for waived charges pursuant to subdivision (c), and the total amount  
34 so collected.

35 (2) The vendor shall indemnify and hold the court harmless  
36 from claims arising from a failure or interruption of service.

37 (3) Except as provided by paragraph (2) of subdivision (c), for  
38 each appearance a party makes by telephone, the vendor shall pay  
39 to the state fifteen dollars (\$15), which shall be transmitted  
40 quarterly to be deposited in the Trial Court Trust Fund and used

1 by the Judicial Council for the expenses of the Judicial Council in  
2 implementing and administering the civil interpreter pilot program  
3 under Sections 756 and 756.5 of the Evidence Code and for  
4 reimbursement to those courts providing civil interpreters pursuant  
5 to those sections.

6 (4) In addition to the amount provided by paragraph (3), all  
7 vendors shall pay to the state, on a quarterly basis, an amount equal  
8 to one-quarter of the total amount of revenue received from all  
9 vendors by all courts for providing telephone appearances for the  
10 2007–08 fiscal year. Each vendor shall pay a proportionate share  
11 of this total amount. The Judicial Council shall notify each vendor,  
12 on a quarterly basis, of its share of this amount, which shall be  
13 based on that vendor's percentage of the total number of  
14 appearances by telephone during the previous quarter. Following  
15 receipt of the notice, each vendor shall transmit its share of the  
16 amount to the state for deposit in the Trial Court Trust Fund to  
17 provide funding for the prevention of significant disruption in  
18 services in courts where those services were previously funded by  
19 revenue received from providing telephone appearances.

20 (5) The master agreement shall include other terms as the  
21 Judicial Council deems appropriate. These terms may include, but  
22 are not limited to, a provision providing the circumstances in which  
23 the charge shall be made for a telephone appearance canceled by  
24 the party.

25 (c) The amount the vendor shall charge a party for an appearance  
26 shall be uniform statewide.

27 (1) The Judicial Council shall establish the amount to be charged  
28 a party for an appearance.

29 (2) If the party has received a waiver of fees because he or she  
30 is proceeding in forma pauperis under Section 68511.3 of the  
31 Government Code, the vendor shall not charge that party for an  
32 appearance and shall not pay fifteen dollars (\$15) as otherwise  
33 required by paragraph (3) of subdivision (b). The vendor shall be  
34 granted a lien in the amount of the waived charge on any judgment  
35 that the party may receive. Notice of the lien shall be given to the  
36 parties under rules and on forms adopted by the Judicial Council.  
37 If the vendor later receives the amount previously waived, for each  
38 appearance for which the vendor receives payment, the vendor  
39 shall transmit fifteen dollars (\$15) to the state for deposit as  
40 provided in paragraph (3) of subdivision (b). If the charge has been



1 waived in part, or the amount recovered by the vendor is not the  
2 full amount, the amount transmitted to the state shall be reduced  
3 proportionally.

4 (3) The Judicial Council may establish an additional amount to  
5 be charged, which shall also be uniform statewide, when a party  
6 requests service from a vendor within a short period of time prior  
7 to the hearing, as determined by the Judicial Council.

8 (d) If a court elects to make telephone appearances available  
9 through one or more vendors, the court shall enter into one or more  
10 participation agreements under one or more of the master  
11 agreements entered into by the Judicial Council.

12 (e) If a court elects to provide telephone appearance services to  
13 parties directly, either in addition to or in lieu of a participation  
14 agreement, the court shall charge a party no more than the same  
15 amount that a vendor may charge under the master agreements  
16 provided for in subdivision (a), subject to the same conditions,  
17 waivers, and transmission of amounts to the state as apply to a  
18 vendor.

19 (f) Notwithstanding any other provision in this section, a judicial  
20 officer is authorized to allow the appearance by telephone of parties  
21 in that judicial officer's courtroom without the requirement of  
22 using a vendor or paying any amount for the appearance by  
23 telephone.

24 SEC. 5. Section 756 is added to the Evidence Code, to read:

25 756. (a) (1) On or before September 1, 2010, the Judicial  
26 Council shall establish a working group to review, identify, and  
27 develop best practices to provide interpreters in civil actions and  
28 proceedings. The best practices developed by the working group  
29 shall be used in carrying out the pilot project described in Section  
30 756.5.

31 (2) In developing the best practices, the working group shall  
32 consider ways to maximize the use of existing resources,  
33 calendaring issues, the effective use of technology, and other  
34 practices that will assist courts effectively deploying interpreters  
35 in civil proceedings.

36 (3) Best practices shall include training guidelines to be utilized  
37 by courts participating in the pilot project described in Section  
38 756.5 to ensure that court interpreters receive training necessary  
39 to comply with the requirements of Section 756.5. Training

1 activities may include, but are not limited to, video broadcasts,  
2 Internet-based training, and dissemination of written materials.

3 (b) The working group shall include court executive officers,  
4 presiding judges, interpreter coordinators, interpreters, at least two  
5 of whom shall be nominated by an exclusive representative of  
6 interpreter employees, representatives of legal services  
7 organizations and organizations representing individuals with  
8 limited English proficiency, and others the Judicial Council  
9 determines necessary. The working group shall also include a  
10 representative from a rural community in order to highlight the  
11 particular challenges of providing court interpreter services in rural  
12 communities.

13 SEC. 6. Section 756.5 is added to the Evidence Code, to read:

14 756.5. (a) (1) The Judicial Council shall select up to five courts  
15 to participate in a pilot project, which shall commence on July 1,  
16 2011, to provide interpreters in civil proceedings as specified in  
17 this section. The pilot courts shall be selected from among those  
18 participating in the working group described in Section 756.

19 (2) The initial pilot courts shall participate in the pilot project  
20 until June 30, 2014. The Judicial Council, in consultation with the  
21 pilot courts, shall consider whether a pilot court shall continue  
22 participating in the project and whether to select another court or  
23 additional courts to join the project. Courts selected to join the  
24 project shall participate for three years or another duration  
25 determined by the Judicial Council, in consultation with the pilot  
26 courts. ~~In the selection of the pilot courts, the Judicial Council~~  
27 ~~shall assess the court's capacity for success.~~

28 (b) The pilot project shall be conducted for the purpose of  
29 creating models for effectively providing interpreters in civil  
30 matters, implementing best practices, and ascertaining the need  
31 for additional interpreter resources and funding to provide  
32 interpreters in civil matters on a statewide basis. The pilot project  
33 shall be funded from the revenue derived from the telephonic  
34 appearance fee pursuant to Section 367.6 of the Code of Civil  
35 Procedure.

36 (c) Interpreters shall be provided by the pilot courts as follows:

37 (1) The pilot courts shall provide interpreters to any party  
38 proceeding in forma pauperis, pursuant to Section 68511.3 of the  
39 Government Code, who is present and who does not proficiently  
40 speak or understand the English language for the purpose of

1 interpreting the proceedings in a language that the party  
2 understands and assisting communications between the party, his  
3 or her attorney, and the court in the following types of actions and  
4 proceedings:

5 (A) Actions and proceedings under Section 527.6 of the Code  
6 of Civil Procedure.

7 (B) Actions and proceedings brought under the Family Code.

8 (C) Actions and proceedings relating to unlawful detainer.

9 (D) Actions and proceedings involving the appointment or  
10 termination of a probate guardian or conservator.

11 (E) Actions or proceedings under the Elder Abuse and  
12 Dependent Adult Civil Protection Act (Chapter 11 (commencing  
13 with Section 15600) of Part 3 of Division 9 of the Welfare and  
14 Institutions Code).

15 (2) The pilot courts shall provide interpreters in other civil  
16 actions or proceedings or in matters in which the party is not  
17 appearing in forma pauperis if there is sufficient funding and  
18 interpreter resources available to meet all the interpretation needs  
19 in the actions and proceedings described in paragraph (1).

20 (3) The fees of interpreters utilized under this section shall be  
21 paid for any party proceeding in forma pauperis pursuant to Section  
22 68511.3 of the Government Code.

23 (4) The pilot courts shall develop a methodology for deploying  
24 available interpreter resources if funds provided pursuant to  
25 subdivision (b) are insufficient to meet the needs for court  
26 interpreters in all of the actions and proceedings set forth in  
27 paragraph (1), or if, after diligent search, a sufficient number of  
28 interpreters is not available. The pilot courts shall not consider the  
29 order in which the case types are listed in paragraph (1) in  
30 developing this methodology. For purposes of developing this  
31 methodology, the pilot courts shall consider the most effective  
32 way to deploy limited resources. A pilot court shall not be obligated  
33 to provide services in the areas set forth in paragraph (1) beyond  
34 the services that can be provided with the funding provided by the  
35 telephonic appearance fee pursuant to Section 367.6 of the Code  
36 of Civil Procedure.

37 (5) The interpreter shall be certified or registered pursuant to  
38 Article 4 (commencing with Section 68560) of Chapter 2 of Title  
39 8 of the Government Code. Subdivisions (c) and (d) of Section

1 755 of the Evidence Code shall apply to proceedings described in  
2 this section.

3 (d) This section shall not be construed to negate or limit any  
4 right to an interpreter in a civil action or proceeding otherwise  
5 provided by state or federal law.

6 (e) This section shall not be construed to alter the right of an  
7 individual to an interpreter in criminal, traffic or other infraction,  
8 juvenile, or mental competency actions or proceedings.

9 (f) This section shall not result in a reduction in staffing or  
10 compromise the quality of interpreting services in criminal,  
11 juvenile, or other types of matters in which interpreters are  
12 provided.

13 (g) (1) On or before September 1, 2013, the Judicial Council  
14 shall report to the Legislature its findings and recommendations  
15 based on the experiences of the model pilot program. The report  
16 shall include findings and recommendations regarding the need  
17 for additional interpreters and funding, or other resources, to  
18 provide interpreters in both of the following:

19 (A) Case types that were the subject of the pilot.

20 (B) All civil actions and proceedings.

21 (2) The report shall also describe, to the extent possible, the  
22 impact of the availability of interpreters on access to justice and  
23 on court administration and efficiency.

24 (3) The report shall also describe the factors affecting selection  
25 of pilot courts, such as the court's capacity for success, innovation,  
26 and efficiency, including, but not limited to, strategies for  
27 collaborating with organizations representing stakeholders, utilizing  
28 local resources, and methods for addressing the availability of  
29 qualified interpreters.

30 (h) Nothing in this chapter shall limit or restrict courts from  
31 providing interpreters in civil proceedings when those services are  
32 already being provided or in matters in which the judicial officer  
33 deems it necessary to appoint an interpreter.

34 (i) Nothing in this chapter shall alter or negate the application  
35 of the Trial Court Interpreter Employment and Labor Relations  
36 Act (Chapter 7.5 (commencing with Section 71800) of Title 8 of  
37 the Government Code) to the provision of interpreters pursuant to  
38 this section.

39 SEC. 7. Section 68563 of the Government Code is amended  
40 to read:

1     68563. (a) The Judicial Council shall conduct a study of  
2 language and interpreter use and need in court proceedings, with  
3 commentary, and shall report its findings and recommendations  
4 to the Governor and to the Legislature not later than July 1, 1995,  
5 and every five years thereafter. The study shall serve as a basis for  
6 (1) determining the need to establish interpreter programs and  
7 certification examinations, and (2) establishing these programs  
8 and examinations through the normal budgetary process. The study  
9 shall also serve as a basis for (1) determining ways in which the  
10 Judicial Council can make available to the public, through public  
11 service announcements and otherwise, information relating to  
12 opportunities, requirements, testing, application procedures, and  
13 employment opportunities for interpreters, and (2) establishing  
14 and evaluating these programs through the normal budgetary  
15 process.

16     (b) This section shall remain in effect only until January 1, 2011,  
17 and as of that date is repealed, unless a later enacted statute, that  
18 is enacted before January 1, 2011, deletes or extends that date.

19     SEC. 8. Section 68563 is added to the Government Code, to  
20 read:

21     68563. (a) The Judicial Council shall conduct a study of  
22 language and interpreter use and need in court proceedings, with  
23 commentary, and shall report its findings and recommendations  
24 to the Governor and to the Legislature not later than July 1, 2016,  
25 and every five years thereafter.

26     (b) (1) The study shall serve as a basis for all of the following:

27     (A) Determining the need to establish interpreter programs and  
28 certification examinations.

29     (B) Establishing these programs and examinations through the  
30 normal budgetary process.

31     (C) Demonstrating the need for and use of interpreters in civil  
32 and criminal court proceedings, and the extent to which that need  
33 is being met.

34     (2) To assist with the completion of the study, trial courts shall  
35 collect and report the use of interpreters in all criminal and civil  
36 proceedings in the manner specified by the Judicial Council,  
37 including, but not limited to, the following data:

38     (A) The extent of the need for, and the languages for which  
39 parties need, an interpreter, by type of action or proceeding, and

1 whether the party is appearing in propria persona or in forma  
2 pauperis.

3 (B) The languages for which an interpreter is provided, by type  
4 of action or proceeding, and whether the party is appearing in  
5 propria persona or in forma pauperis.

6 (C) The extent to which the interpreters provided are court  
7 employees or independent contractors.

8 (D) The extent to which interpreters are appointed pursuant to  
9 subdivision (c) of Section 68561.

10 (E) The extent to which interpreters are provided pursuant to  
11 subdivision (d) of Section 68561.

12 (c) The study shall also serve as a basis for both of the following:

13 (1) Determining ways in which the Judicial Council can make  
14 available to the public, through public service announcements and  
15 otherwise, information relating to opportunities, requirements,  
16 testing, application procedures, and employment opportunities for  
17 interpreters.

18 (2) Establishing and evaluating these programs through the  
19 normal budgetary process.

20 (d) This section shall become operative on January 1, 2011.